

Appendix B - passed 8-9-2010

ORDINANCE NO. 1380-10

AN ORDINANCE OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLANTING CHAPTER 3 OF THE CODE OF ORDINANCES RELATIVE TO BICYCLES, SKATEBOARDS AND SCOOTERS AND REPEALING CHAPTER 15, PART 9 OF THE CODE OF ORDINANCES RELATIVE TO PEDALCYCLES AND SKATEBOARDS.

The Borough Council of the Borough of Gettysburg hereby enacts, adopts, and ordains the following Ordinance:

SECTION 1: Chapter 3 of the Code of Ordinances of the Borough of Gettysburg is hereby amended and supplanted by substituting the following in its stead:

CHAPTER 3 BICYCLES, SKATEBOARDS AND SCOOTERS

Part 1

General Regulations for Bicycles

§3-101. Definition

BICYCLE - A device or vehicle upon which a person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels. Referred to as a "pedalcycle" in the Vehicle Code.

BIKE LANE - A separate line of travel designated for the exclusive or semi-exclusive use of bicycles. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, or other barriers.

BIKE PATH - A separate pathway for the exclusive use of bicycles and pedestrians separated from motor vehicle traffic except at bike crossings.

MOTOR VEHICLE - A vehicle which is self-propelled except an electric personal assistive mobility device or a vehicle which is proposed solely by human power.

ROADWAY - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by bicycles.

SHARED LANE - A lane designated by markings on the roadway to indicate shared space for both motor vehicles and bicycles.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

VEHICLE CODE – The Vehicle Code of the Commonwealth of Pennsylvania (75 Pa. C.S.A. § 101 et seq.) as is hereafter amended, supplemented, modified, or reenacted by the General Assembly of the Commonwealth of Pennsylvania.

§3-102. General Operation of Bicycles

1. Every person operating a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.
2. Persons operating bicycles are subject to the provisions of the Vehicle Code, except those provisions which by nature are not applicable. Requirements for helmets, lamps, and reflectors will be enforced in accordance with the Vehicle Code.
 - a. Helmets. A person under twelve (12) years of age shall not operate a bicycle or ride as a passenger, including in an attached seat or trailer, on a bicycle unless the person is wearing a helmet meeting the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or any other nationally recognized standard for bicycle helmet approval.
 - b. Lamps and Reflectors. Every bicycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the operator's path. The light must be visible from a distance of at least 500 feet to the front. The bicycle shall also be equipped with a red reflector facing the rear which is visible for at least 500 feet and an amber reflector on each side. Operators are encouraged to supplement the required lighting with flashing lamps, light-emitting diodes or similar devices visible from at least 500 feet, white lights to the front and red lights to the rear.
3. Penalty for Violation. Notwithstanding any other provisions of law, any violation of subsection 2.a. relative to helmets is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person not to exceed \$25.00. The parent or legal guardian having control or custody of a person under twelve (12) years of age whose conduct violates subsection 2.a. shall be jointly and severally liable with the person for the amount of the fine imposed.

§3-103. Signal Device; Brakes

1. A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

2. Every bicycle shall be equipped with an adequate braking system which will stop the bicycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and paved clean surface.

§3-104. Riding on Seats; Carrying Packages

1. A person operating a bicycle shall not carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle other than upon such a firmly attached and regular seat.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
3. The provisions of subsections 1 and 2 above shall not prohibit the carrying of a child in a seat or trailer designed for carrying children and firmly attached to the bicycle.
4. No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

§3-105. Bicycle Operation on Roadway

1. Every person operating a bicycle upon a roadway shall ride in the same direction as traffic and as near to the right side of the roadway as is safe and practical to do so, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. When a bicycle is operated on the roadway, the operator shall give hand signals to other vehicle operators in the vicinity before turning or changing lanes. Such signals shall conform to the Vehicle Code. A signal shall be made at least one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane. A signal is not required when the operator's hands are needed for the safe operation of the bicycle.

§3-106. Riding on Sidewalk; Bike Path

1. Except as provided in subsection 2 below, it shall be legal to operate a bicycle upon a sidewalk when sidewalks are available and not congested with pedestrian traffic. If the sidewalk is congested with pedestrian traffic, any bicycle operator using the sidewalk shall dismount and walk the bicycle.
2. A person shall not operate a bicycle upon a sidewalk, upon which signs have been erected by the Borough prohibiting such riding. This prohibition applies to sidewalks along Baltimore Street and Steinwehr Avenue and all sidewalks on or within one block of Lincoln Square.

3. A person operating a bicycle upon and along a sidewalk, bike path, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. This audible signal may be given by the voice or by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle person or persons being overtaken and passed.
4. A person operating a bicycle upon a sidewalk, before overtaking and passing a person who is visually impaired, carrying a white cane or guided by a dog, or any other person who is obviously and visibly disabled, shall dismount and overtake or pass on foot, if necessary for safety.
5. A person shall not operate a bicycle from a sidewalk so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.
6. A person shall not operate a bicycle on a sidewalk or bike path at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway.

§3-107. Riding Abreast

Persons riding bicycles upon a roadway, bike or shared lane, sidewalk, or bike path shall not ride more than two (2) abreast in a single lane. Persons riding two (2) abreast on the roadway may do so only if it is reasonably safe and prudent given the current traffic conditions and such action does not unnecessarily impede the flow of traffic.

§3-108. Emerging from Alley or Driveway

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right of way to all pedestrians approaching on such sidewalk area and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

§3-109. Reckless or Unsafe Operation

1. All persons shall operate a bicycle with due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, while in the lawful use of the roadways, sidewalks or trails, and shall exercise reasonable and ordinary control over such bicycle.
2. A person shall not operate a bicycle in a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with the law.
3. A person shall not operate a bicycle at speeds faster than are reasonable or proper, which in no case shall be in excess of legal limits, unless participating in an officially sponsored or sanctioned rally or road race.

4. A person riding upon a bicycle shall not attach the same or himself/herself to any vehicle, and an operator of a vehicle shall not knowingly allow any person riding a bicycle to attach the same or himself/herself to the vehicle.
5. A person operating a bicycle shall not wear one or more headphones or earphones. This subsection does not prohibit the use of hearing aids or other devices for improving the hearing of the operator.

§3-110. Parking

1. A person shall not park a bicycle upon a sidewalk in such a manner so as to impede foot or pedestrian traffic, or upon a roadway so as to interfere with vehicular traffic. Bicycle racks are to be used, where available.
2. Bicycles shall not be parked adjacent to meters reserved for handicapped or parked in such a manner as to interfere with building entrances or the safe entrance or exit from a parked vehicle.
3. If a bicycle locking device is used, it must be used in a way that will not mark, damage or otherwise deface public or private property.

§3-111. Penalty for Violation

1. No parent, guardian or other person having legal care or custody of a child under the age of 18 years shall permit such child to ride his or her bicycle in violation of this Part. Where any such child violates this Part, permission of the parent, guardian or other person having legal care or custody of such child shall be conclusively presumed.
2. Except as provided for in Section 3-102.3., any person violating this Part shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.00.

Part 2

General Regulations for Skateboards and Scooters

§3-201. Definition

SCOOTER – Includes a non-motorized device or vehicle that consists typically of a narrow footboard mounted between two wheels tandem with an upright handle attached to the front wheel that is operated by placing one foot on the footboard and pushing with the other foot.

SKATEBOARD – A device or vehicle propelled by human power and gravity consisting of material or portion of material formed in thin firm sheet with wheels attached to the underside.

§3-202. General Operation of Skateboards and Scooters

1. Every person operating a skateboard or scooter upon a sidewalk, roadway or bike path shall be granted all of the rights and shall be subject to all of the duties applicable to a pedestrian.
2. Operation of a skateboard or scooter on private property is not permitted without the consent of the property owner or other person in charge of the premises.

§3-203. Riding on Sidewalk; Bike Paths

1. It shall be legal to operate a skateboard or scooter upon a sidewalk when sidewalks are available and not congested with pedestrian traffic.
2. A person shall not operate a skateboard or scooter upon a sidewalk, upon which signs have been erected by the Borough prohibiting such operation. This prohibition applies to sidewalks along Baltimore Street and Steinwehr Avenue and all sidewalks on or within one block of Lincoln Square.
3. Skateboards and scooters shall be permitted on bike paths and are subject to all path regulations promulgated by proper authority relative to use of such bike paths.
4. A person operating a skateboard or scooter upon a roadway, sidewalk, bike path or across a roadway at a crosswalk shall yield the right of way to any pedestrian and shall give an audible signal, by voice, before overtaking and passing such pedestrian. This audible signal shall be given at such a distance and in such a manner as not to startle person or persons being overtaken and passed.
5. A person operating a skateboard or scooter upon a sidewalk or bike path, before overtaking and passing a person who is visually impaired, carrying a white cane or guided by a dog, or any other person who is obviously and visibly disabled, shall dismount and overtake or pass on foot, if necessary for safety.
6. No person operating a skateboard or scooter shall suddenly leave a curb or sidewalk or any other place of safety and ride upon or propel any skateboard into or toward the path of a vehicle which is so close as to constitute a hazard.
7. A person shall not operate a skateboard or scooter on a sidewalk at a speed in excess of the ordinary walking speed of a reasonable pedestrian when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway. This section does not require reduced speeds for skateboards and scooters when other vehicles are not present.

§3-204. Prohibited Times

No person shall operate a skateboard or scooter upon any public thoroughfare, roadway, sidewalk and municipal lot in the Borough between sunset and sunrise on any day or at any other time when, due to insufficient light, or unfavorable weather conditions, persons are not clearly discernible from a distance of one hundred (100) feet.

§3-205. Ramps and Devices

No person shall place a ramp, half-pipe or other structure used for skateboarding in a public thoroughfare, roadway, sidewalk or municipal parking lot or garage within the Borough, or on private property without the permission of the owner.

§3-206. Reckless Operation

1. All persons shall operate a skateboard or scooter with due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles.
2. No person shall operate a skateboard or scooter in a careless or reckless manner so as to endanger the safety or property of either the operator or another person.
3. A person operating a skateboard or scooter shall not wear one or more headphones or earphones. This subsection does not prohibit the use of hearing aids or other devices for improving the hearing of the operator.

§3-207. Parking

1. A person shall not park a skateboard or scooter upon a sidewalk in such a manner so as to impede foot or pedestrian traffic, or upon a roadway so as to interfere with vehicular traffic.
2. Skateboards and scooters shall not be parked adjacent to meters reserved for handicapped or parked in such a manner as to interfere with building entrances or the safe entrance or exit from a parked vehicle or in such a manner as to cause damage to public or private property.

§3-208. Penalty for Violation

1. No parent, guardian or other person having legal care or custody of a child under the age of 18 years shall permit such child to ride his or her skateboard or scooter in violation of this Part. Where any such child violates this Part, permission of the parent, guardian or other person having legal care or custody of such child shall be conclusively presumed.

Any person violating this Part shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.00.

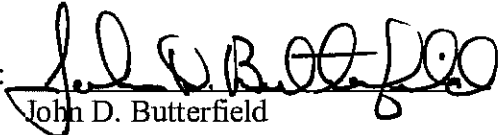
SECTION 2: Chapter 15, Part 9. of the Code of Ordinances of the Borough of Gettysburg relative to pedalcycles and skateboards is hereby repealed.

SECTION 3: All remaining provisions of Chapter 3 shall remain in full force and effect unless otherwise repealed by any other ordinance. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.


SECTION 4: This Ordinance shall become effective upon enactment.

ENACTED, ADOPTED, AND ORDAINED on this 9th day of August, 2010.


BOROUGH OF GETTYSBURG

By: 
John D. Butterfield
President of Borough Council

Attest:


Sara L. Stull, Secretary

APPROVED this 9th day of August, 2010


William E. Troxell, Mayor